

### **REMARKS**

A final Office Action for the present application was mailed on October 31, 2007. In response to the final Office Action, Applicants timely file this Preliminary Amendment together with a Request for Continued Examination.

Reconsideration is respectfully requested.

#### **I. Status of the Claims**

Claims 17 and 19 - 27 are presently pending, with claims 1 - 16, 18 and 28 having been previously canceled. In this Response, Applicants amend claims 17 and 19 - 27. No new matter is introduced. Support for the amendments may be found, for example, in Applicants' specification at page 4, line 26, page 14, line 25, page 17, lines 14 - 24 and page 20, lines 21 - 24, page 14, and with reference to Applicants' FIG. 9.

#### **II. Rejections Under 35 U.S.C. §§ 102, 103**

Claims 17, 19, 24 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO 99/01093 to Wierlacher ("Wierlacher"). Claims 20 - 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wierlacher. Claims 26 - 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wierlacher in view of U.S. Patent No. 6,131,736 to Farris et al. ("Farris"). Applicants amend claims 17 and 19 - 27 to further clarify the nature of their invention, and respectfully traverse the rejections of claims 17 and 19 - 27 under 35 U.S.C. §§ 102, 103.

In amended independent claim 17, Applicants claim.

17. An interlabial pad having a longitudinal axis and a lateral axis, comprising:

an absorbent body for absorbing body fluids;

a surface side sheet and a rear surface side sheet enclosing said absorbent body;

holding sheet member lapped on the rear surface side sheet, the holding sheet member having bonded portions of the rear surface side sheet provided near each of two longitudinal surrounding ends of the interlabial pad and a pair of unbonded portions located at a rear surface side of the interlabial pad on left and right side edges near a central area along a longitudinal axis of the interlabial pad;

a first fingertip insert opening formed by one of the pair of unbonded portions and arranged between the rear surface side sheet and the holding sheet member;

a second fingertip insert opening formed by the other of the pair of unbonded portions and arranged between the rear surface side sheet and the holding sheet member; and

a folding guide element along the longitudinal axis provided to form a convex protruding area linearly and continuously over the entire length of the longitudinal axis when the holding sheet member is pinched via the first and second fingertip insert openings.

(Emphasis added).

Wierlacher discloses an interlabial pad that is folded along a longitudinal center line to be worn by a wearer (see, e.g., abstract of Wierlacher). With reference for example to FIG. 2 of Wierlacher, the disclosed interlabial pad includes an absorbent body 24, a surface side sheet 22 and a rear surface side sheet 23. A fingertip opening is created in a space 64 between the rear side surface 23 and holding means 58 (see, e.g., FIG. 5b of Wierlacher). At page 22, second paragraph, Wierlacher discloses that alternative embodiments of the interlabial pad may include more than one strip of material 58, and that the strips may be arranged as a series of loops allowing “the insertion of at least one user’s finger.”

In a Response to the Office Action of May 7, 2007, Applicants argued that Wierlacher could be distinguished the invention claimed by Applicants independent claim 17 because Wierlacher:

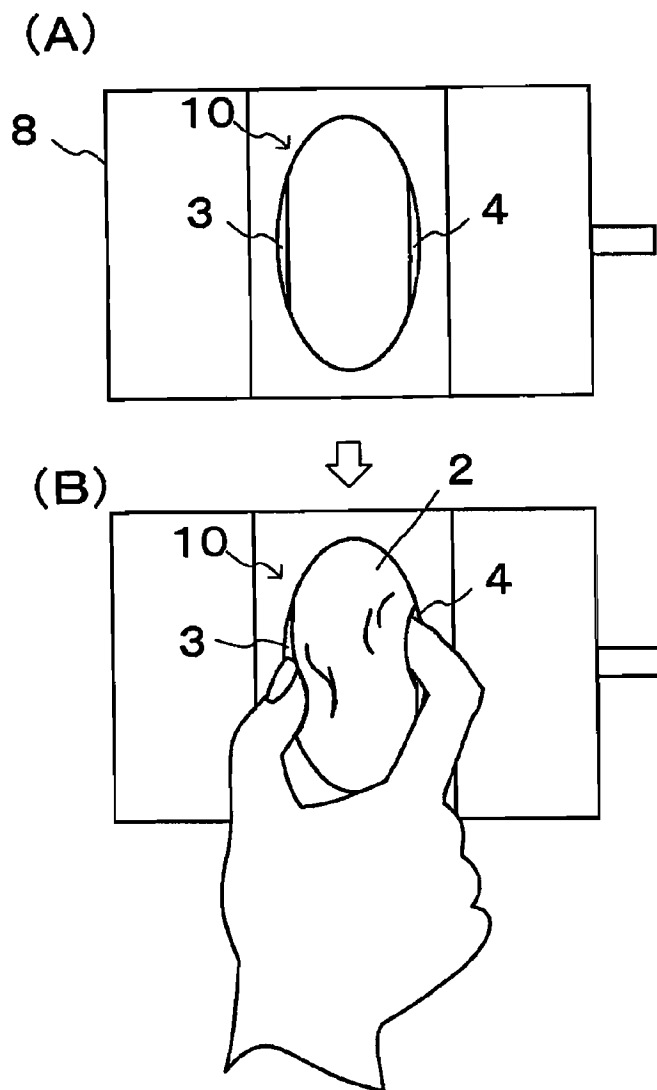
fails to teach or otherwise suggest an interlabial pad having pair of fingertip openings [that] are formed by unbonded sheet portions on left and right side edges of the rear surface side sheet in a central area of the direction along the longitudinal axis, where the pair of fingertip insert openings are thereby configured to form a convex protruding area when the sheet portion is pinched via the pair of fingertip openings.

The Examiner presently finds this argument to be unpersuasive, suggesting that Wierlacher's "series of loops" as disclosed could read on Applicants' claimed fingertip openings:

A series of loops constitutes loops in succession, which meets the claim limitation of unbonded portions. Because the handling aid stretches across the central region toward the longitudinal [side] edges of the article, it is reasonable to assume the series of loops would also be oriented across the central region toward the longitudinal side edges.

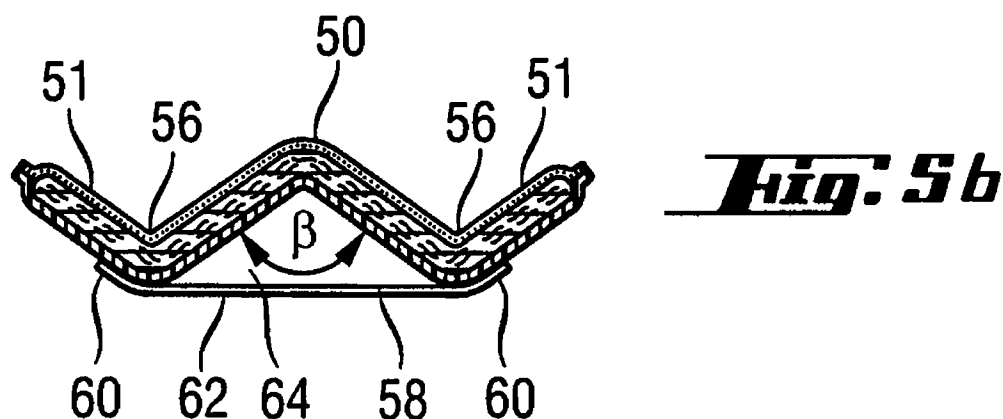
Applicants amend independent claim 17 to further clarify the structure of the claimed fingertip openings. Specifically, Applicants claim first and second fingertip insert openings formed by unbonded portions of a holding sheet member lapped on a rear surface side sheet of the interlabial pad, where the holding sheet member and rear surface side sheet have bonded portions near longitudinal surrounding ends of the interlabial pad. The unbonded portions are respectively located at left and right side edges of the interlabial pad, longitudinally positioned near a central area along the longitudinal axis (see, e.g., fingertip insert openings 3, 4 as illustrated in Applicants' FIGs. 6(A), 6(B) below):

FIG. 6



While the Examiner argues that it would be reasonable to assume that Wierlacher suggests a series of loops that, like holding means 58, stretch across the central region to be fastened toward the longitudinal side edges, Applicants respectfully submit that it is unreasonable to assume that Wierlacher suggests a series of loops that provide openings located at left and right side edges of the

interlabial pad. Rather, as the structure of Wierlacher's interlabial pad fastens holding means 58 laterally across a longitudinally-oriented space 64 (see, e.g., Wierlacher's FIG. 5b below), it is clear that the opening(s) formed by the series of loops would not be positioned at the side edges of the interlabial pad, but nearer to one or more longitudinal surrounding ends of the pad.



Applicants' claimed pad is configured so that a lateral pinching of the holding sheet member at the first and second fingertip insert openings 3, 4 causes a convex protruding area to be formed by a folding guide element along the entire longitudinal axis (see, e.g., Applicants' FIG. 7 below). Applicants respectfully submit that no reasonable construction of Wierlacher's series of loops as described would lead to Applicants' claimed result being produced in the interlabial pad disclosed by Wierlacher.

Figure 1 shows a line drawing of a hand holding a large, oval-shaped object, likely a seed or fruit. The object is labeled with the number 1. The hand is shown from the side, with the thumb and index finger gripping the object. The object has a textured surface with vertical lines. The label 5 points to the top of the object, and the label 2 points to the side of the object.

As claims 19 - 27 each depend either directly or indirectly from allowable independent claim 17, Applicants submit that dependent claims 19 - 27 are also allowable for at least this reason.

Therefore, Applicants respectfully request that the rejections of claims 17 and 19 - 27 under 35 U.S.C. §§ 102, 103 be withdrawn.


### **CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: January 31, 2008

Respectfully submitted,

By  44528 for

Louis J. DeJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant